VISOA PIPA & Privacy Workshop

November 2, 2014 – Comfort Inn Victoria
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Agenda

1. Introduction to PIPA and OIPC
2. Video Surveillance
3. Coffee Break & DOOR PRIZES
4. Privacy policies generally
5. Contents of a strata privacy policy
6. Questions
This presentation is general information only
It is not intended to be legal or other advice
Each organization is responsible for complying with PIPA
OIPC does not approve policies or procedures
OIPC will investigate complaints received with an open mind
Nothing in this presentation constitutes a decision by the OIPC
This presentation does not bind or fetter the OIPC
Role of the OIPC
What is personal information?

Name
Address
Gender
Education
Income
S.I.N.
Birth date

Medical History
Financial Information
Credit Card Information
Driver’s License #
Photographs
Opinion about you
Employment History
### PERSONAL INFORMATION PROTECTION ACT

[SBC 2003] CHAPTER 63

Assented to October 23, 2003

**Contents**

**Part 1 — Introductory Provisions**
1. Definitions
2. Purpose
3. Application

**Part 2 — General Rules Respecting Protection of Personal Information by Organizations**
4. Compliance with Act
5. Policies and practices

**Part 3 — Consent**
6. Consent required
7. Provision of consent
8. Implicit consent
9. Withdrawal of consent

**Part 4 — Collection of Personal Information**
10. Required notification for collection of personal information
11. Limitations on collection of personal information
12. Collection of personal information without consent
13. Collection of employee personal information

**Part 5 — Use of Personal Information**
14. Limitations on use of personal information
15. Use of personal information without consent
16. Use of employee personal information

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- Applies to “personal information” only
- Rules for collecting, using & disclosing personal information
- Rules on rights to access to personal information
### When does PIPA apply?

<table>
<thead>
<tr>
<th>All organizations:</th>
<th>Does not apply to:</th>
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<tbody>
<tr>
<td>✓ Corporations</td>
<td>✗ Personal or domestic uses</td>
</tr>
<tr>
<td>✓ Partnerships</td>
<td>✗ Journalistic, artistic uses</td>
</tr>
<tr>
<td>✓ Unincorporated associations</td>
<td>✗ Court records</td>
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<tr>
<td>✓ Individuals involved in commercial activities</td>
<td>✗ Public bodies or information under FIPPA</td>
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<tr>
<td>✓ Trade unions</td>
<td>✗ Information captured by PIPEDA</td>
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Keeping PI Secure

SILENCE
DON'T TWEET OUR SECRETS
A FLY ON THE WALL

OMG! The things I've heard!
Video Surveillance Systems

Dave... I'm afraid I can't let you do that...
What is a Privacy Policy?

- About protection of personal information
- Impacts your
  - Strata lot owners, tenants or guests
  - Employees, volunteers & contractors
- Communication tool
About Privacy Policies...

- Required under PIPA
- Part of an overall “privacy management program”
- Impacts your:
  - Clients, customers or members
  - Employees & volunteers
Why have a Privacy Policy?

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Part 2 — General Rules Respecting Protection of Personal Information by Organizations

Policies and practices

5 An organization must

(a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,

(b) develop a process to respond to complaints that may arise respecting the application of this Act, and

(c) make information available on request about

(i) the policies and practices referred to in paragraph (a), and

(ii) the complaint process referred to in paragraph (b).
10 Principles for Privacy Compliance

1. Be accountable
2. Identify the purpose
3. Obtain consent
4. Limit collection, use, disclosure
5. Limit retention
6. Be accurate
7. Be open
8. Use appropriate safeguards
9. Give access
10. Challenging compliance
Parts of a Privacy Policy

What personal information you collect, use & disclose

How and why you collect, use & disclose personal information

How you provide access to & correction of personal information

How you protect & dispose of personal information

How long you retain personal information

Who to contact about your privacy policy & practices
POP QUIZ!

- What does PIPA stand for?
- Why have a privacy policy?
- What is a privacy policy?
- What are the key parts to a privacy policy?
Introducing your Privacy Policy

Consider mentioning....

- Accountability
- PIPA
- Scope
- Topics
- Privacy Officer
- Definitions
What PI do you collect, use & disclose?

Basic principles under PIPA:

✓ Collect only the **amount & type** of personal information you need

✓ Collect directly from the individual

✓ Collect, use & disclose personal information only for purposes that are “reasonable”
STOP IN THE NAME OF CUD
What is Reasonable

Reasonable = What a reasonable person would consider appropriate in the circumstances
Coffee Break

Why are Dasher and Dancer always taking coffee breaks?

Because they are my star bucks.
Know **what** you have & **why** you have it

See if the personal information your strata collects matches your strata’s purposes for its collection, use & disclosure.
Consent and Notification

PIPA is consent-based law

What to include in your notification

Purpose must be reasonable
Types of consent

Express consent
Naomi signs up for a loyalty card to obtain lower prices and special offers. She signs a consent form explaining all the uses & disclosures of her personal information.

Implied consent
Paulette hands her credit card to a clerk to pay for a product or service.
Types of consent

Opt-out consent

If you check the box, you will receive the following:

- **Receive Community Updates**
  The [redacted] Community is evolving. By checking this box, you will get updated with the latest news from the [redacted] Community by email. There will be not more than 1 email send to you within 2 weeks.

- **Receive [redacted] Product Updates**
  By checking this box, you allow us to send you updates about [redacted] products. There will be only few mailings per year, e.g. each time a major new version or a new product is released.

- **Allow to be Contacted by [redacted]**
  By checking this box, you agree that sales representatives of [redacted] may contact you by email or phone.
Withdrawing or refusing consent

✓ Individuals may refuse or withdraw consent

✓ Explain if refusing or withdrawing consent will affect services

✓ Only require consent where necessary
Use and disclosure for a new purpose

✓ Obtain consent

✓ Identify the *reasonable* purpose
Fact Pattern

Roger runs the Strata Wine Club. He maintains an email list of strata lot owners who want information on new wines. He collects this information by asking strata lot owner members whether they would like to be on the “new publications” email list and collecting their email addresses if they say yes.

Roger’s friend, John, decides to run for the strata council. Roger decides to use his “new publications” email list to send a mass email to the Strata Wine Club members urging them to vote for John.
Sections 12, 15 and 18 of PIPA outline when you are authorized or required to collect, use or disclose personal information without consent.
Be the expert

- A strata complex wants to put up video surveillance to monitor residence for bylaw infractions.

- A strata wine club wants to disclose a member’s identity & emergency contact information to paramedics when, during a club event, the member stumbles badly & is unconscious.
Employees and volunteers

- Employee personal information
- Consent?
- Notification
Safeguarding personal information

Security Practices

Disposal Practices

Retention Practices
GET ALL THE INFORMATION YOU CAN, WE'LL THINK OF A USE FOR IT LATER.
Correction Requests

Ensure accuracy

Requests for correction
- Should be in writing and provide enough detail
- No fee for the request

If you agree to correction
- Correct and disclose the correction

If you don’t agree to correction
- Annotate
Questions and Complaints

Privacy officer

OIPC role

Internal complaint resolution process
What comes next?

- Train your strata council volunteers & employees
- Support your Privacy Officer
- Develop other privacy management tools
- Review your policy
- Contact the OIPC
Questions?
Thank you

Office of the Information and Privacy Commissioner for British Columbia

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